

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-091451

01/22/2015

JUDGE PRO TEM VERONICA W. BRAME

CLERK OF THE COURT

C. Windholz

Deputy

IN RE THE MATTER OF
CHELSEA RAE MINER-DOUGLAS

JOHN W BAIN

AND

JEREMIAH COLIN DOUGLAS

HENRY ALZATE

FAMILY SUPPORT SERVICES-CCC
JUDGE RYAN

MINUTE ENTRY

Courtroom 304 - SEF

3:43 p.m. This is the time set for Enforcement Hearing on Motion to Enforce Decree of Dissolution filed September 12, 2014 by Petitioner. Petitioner/Mother, Chelsea Rae Miner-Douglas, is present on her own behalf. Respondent/Father, Jeremiah Colin Douglas, is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to the commencement of the hearing, Chelsea Rae Miner-Douglas and Jeremiah Colin Douglas were sworn.

LET THE RECORD REFLECT that the party or parties met informally with a Family Court Conference Center Officer prior to the commencement of today's hearing. The Court has been advised that the party or parties have been unable to reach an agreement.

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The Court reviews the parties' position statement on the record.

AREAS OF AGREEMENT:

Parties' agree Natalia Douglas, born May 28, 2004, is the only child assigned to this case.

Parties' agree the Respondent (Father) is the primary residential parent.

Parties' agree the Petitioner (Mother) has complied with the Court order dated February 7, 2014 and should be receiving unsupervised parenting time effective immediately.

Parties' agree Petitioner (Mother) is awarded parenting time every other weekend beginning Friday, November 14, 2014.

DISPUTED ISSUES:

Language within the Petitioner's (Mother) petition dated December 8, 2014:

Awarding Petitioner (Mother) an additional two weeks "makeup" parenting time with the minor child, for parenting time unreasonably withheld by Father;

Mother's Position:

Mother is requesting an additional two weeks "makeup" parenting time with the minor child, for parenting time unreasonably withheld by Father.

Award Mother her reasonable attorney's fees and costs.

Father's Position:

Father is requesting the language within Mother's petition be revised. In addition, Father does not agree that he is in violation of the parenting plan ordered on February 7, 2014.

Mother's counsel states Mother believed father violated the parenting time and Mother is owed two weeks of make-up parenting time.

Mother's counsel states that mother filed the certificate as an attachment to her petition to modify on February 17, 2014. Counsel states that it is Mother's position that the filing of the petition filed on February 17, 2014 constitutes her written request for supervised visitation and therefore is owed two weeks for make-up parenting time.

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Father's counsel believes that the enforcement action is not valid since the Court did not make an order until November 7, 2014 awarding Mother unsupervised parenting time. Mother began exercising her parenting time immediately after that order was entered and continues to exercise her parenting time.

Based upon the matters presented herein,

THE COURT FINDS that on February 7, 2014 Judge Ryan entered specific orders at which time he suspended Mother's parenting time immediately until she submitted her Parenting Education Certificate required under Arizona law. Second, he stated that "upon completion and submission of the certificate, Mother may apply in writing for supervised parenting time. Upon approval by the Court, Mother may exercise supervised parenting time and it will be supervised by Father from 2 – 4 p.m. every Sunday at which time Mother shall begin random weekly drug testing through TASC." Also, it states that upon completion of six months of negative, undiluted urinalysis test results from TASC, Mother may apply in writing for unsupervised parenting time, every other weekend beginning Friday when Mother picks up the minor child after school and ending Sunday at 3:00 p.m. when Mother returns the minor child to Father's residence."

THE COURT FURTHER FINDS that on February 21, 2014, Mother filed a Motion to Modify Court Order and the Court could not find anything in that Motion where it was a request for supervised parenting time and also Mother's attorney indicated that it was vague but they believed that was the intent of Mother.

THE COURT FURTHER FINDS that on November 7, 2014 Mother's attorney or his firm filed a Motion to Award Mother Unsupervised Parenting Time.

THE COURT FURTHER FINDS that on November 7, 2014 there was a hearing before Judge Ryan and in that Minute Entry Judge Ryan did awarded parenting time every other weekend beginning Friday, November 14, 2014 and based on the information from the parties, that parenting time has been exercised. Also, there is a Minute Entry from Judge Ryan dated January 7 ,2015 that Mother's parenting time shall be unsupervised.

IT IS ORDERED dismissing the Motion to Enforce Decree of Dissolution.

IT IS FURTHER ORDERED that parties may submit a *China Doll* affidavit within ten (10) days from today's date. The request shall briefly state the basis for which attorney's fees are being sought. For example, if the request is based upon the assertion that the other party was unreasonable, the request shall state the examples of how the other party was unreasonable. The request shall not exceed ten (10) pages.

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The parties shall include as an attachment, the minute entries pertaining to this action where counsel has made a court appearance.

Each party, upon receipt of the other party's request shall have five (5) days to file a written objection.

There shall be no Reply, unless specifically requested by the Court.

Upon receipt of the above documents, Court will issue a ruling by minute entry.

LET THE RECORD REFLECT that Respondent has signed an Acceptance of Service.

FILED: Acceptance of Service

4:15 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ Veronica W. Brame

THE HONORABLE VERONICA W. BRAME
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.